

HOUSE BILL No. 1201

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-23-25-11; IC 16-18-2-307.5; IC 16-19-13-6; IC 33-19-7-1.

Synopsis: Sexual assault victims assistance fund. Transfers the administration of the sexual assault victims assistance fund to the Indiana commission for women. Provides that at least 70% of the money in the fund shall be used to provide financial support to rape crisis centers. Provides that not more than 20% of the money in the fund is to be used to improve services to sexual assault victims.

Effective: July 1, 2004; July 1, 2005.

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January 13, 2004, read first time and referred to Committee on Ways and Means.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1201

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-23-25-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]: **Sec. 11. (a) As used in this section, "rape crisis center"**
4 **means an organization that provides a full continuum of services,**
5 **including hotlines, victim advocacy, and supportive services, from**
6 **the onset of need for services through the completion of healing, to**
7 **victims of sexual assault.**

8 **(b) The sexual assault victims assistance fund (referred to as**
9 **"the fund" in this section) is established. The commission shall**
10 **administer the fund.**

11 **(c) Each year, at least seventy percent (70%) of the money in the**
12 **fund shall be used to provide financial assistance to rape crisis**
13 **centers. Money in the fund that is used for the purpose described**
14 **in this subsection must be distributed to a statewide nonprofit**
15 **corporation whose primary purpose is pursuing the eradication of**
16 **sexual violence in Indiana. The nonprofit corporation shall allocate**
17 **money in the fund among rape crisis centers.**

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(d) Not more than twenty percent (20%) of the money in the fund may be used in a year to support a program designed to:

(1) improve services to sexual assault victims, including:

(A) training;

(B) education; and

(C) professional development for sexual assault service providers; and

(2) improve the collection of fund revenues.

(e) The fund consists of:

(1) amounts transferred to the fund from sexual assault victims assistance fees collected under IC 33-19-6-21;

(2) any appropriations to the fund from other sources;

(3) grants, gifts, and donations intended for deposit in the fund; and

(4) interest that accrues from money in the fund.

(f) The expenses of administering the fund shall be paid from money in the fund. Each year, the commission shall designate for payment of program administration costs not more than ten percent (10%) of the appropriation made to the nonprofit corporation.

(g) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(h) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 2. IC 33-19-7-1, AS AMENDED BY P.L.167-2003, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-3(a) (juvenile costs fees).

(4) IC 33-19-5-4(a) (civil costs fees).

(5) IC 33-19-5-5(a)(1) (small claims costs fees).

(6) IC 33-19-5-6(a) (probate costs fees).

(7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution,

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interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

(3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all the fees in the

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county general fund.

(f) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the sexual assault victims assistance fund established under ~~IC 16-19-13-6~~ **IC 4-23-25-11** one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.

(g) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-19-6-5.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-19-6-5 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall monthly distribute to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-19-6-5 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-19-5-5(a)(2) for deposit in the county general fund.

SECTION 3. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2004]: IC 16-18-2-307.5; IC 16-19-13-6.

SECTION 4. [EFFECTIVE JULY 1, 2004] **(a) Beginning July 1, 2004, this SECTION applies instead of IC 33-19-7-1(f), as amended by P.L.39-2002, SECTION 5.**

(b) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 4-23-25-11 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.

(c) This SECTION expires July 1, 2005.

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